

## EXTENDING THE STATUTE OF LIMITATIONS WITH RESPECT TO CERTAIN SUITS

JUNE 27, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 168]

The Committee on the Judiciary, to whom was referred the bill (H. R. 168) to extend the statute of limitations with respect to certain suits, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to revise certain claims of railway employees under the Federal Employers' Liability Act, as amended by the act of August 11, 1939. Accordingly, the bill amends section 6 of the act of April 22, 1908, as amended (45 U. S. C. 56).

#### GENERAL STATEMENT

The bill provides for the extension from 1 year from the date of enactment of the time for commencing an action under the Federal Employers' Liability Act where an award under any workmen's compensation law has been held by the highest court of competent jurisdiction, to be invalid on the ground that the injuries were sustained in interstate commerce. At the present time the statute of limitations in actions under the Federal Employers' Liability Act is 3 years from the date on which the injury was sustained. Under the act of August 11, 1939, the coverage of the Federal Employers' Liability Act was extended to cover border-line cases. Since then awards have been made under State workmen's compensation law which have subsequently been ruled invalid by State courts on the ground that the employees involved came within the scope of the 1939 amendment, and therefore their exclusive remedy was under the Federal Employers' Liability Act and not a State workmen's compensation act. At the same time that this litigation was pending, the

statute of limitations under the Federal Employers' Liability Act was running so that today the employees whose awards have been ruled invalid by the State courts cannot bring an action under the Federal Employers' Liability Act because the statute of limitations is a bar.

Attached hereto and made a part of this report are reports from the Department of Justice and the Department of Labor.

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DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, November 13, 1951.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 168) to extend the statute of limitations with respect to certain suits.

The bill would amend section 6 of the act of April 22, 1908, as amended (45 U. S. C. 56), to provide that the time for commencing an action, where an award under any workmen's compensation law has been held, by the highest court of competent jurisdiction, to be invalid on the ground that the injuries were sustained in interstate commerce, shall be extended 1 year from the enactment of the amendment.

The purpose of the bill is to revive certain claims of railroad employees under the amendment to the Federal Employer's Liability Act effected by the act of August 11, 1939, which made the act applicable to railroad employees "any part of whose duties" in any way "directly or closely and substantially" affects interstate commerce. At the time of its enactment, a number of such employees had pending claims under various State workmen's compensation acts which the State courts have held were extinguished by the adoption of the 1939 amendment.

Whether the bill should be enacted presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

The Director of the Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

A. DEVITT VANECH,  
*Deputy Attorney General.*

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UNITED STATES DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, January 25, 1952.

HON. EMANUEL CELLER  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN CELLER: This is in response to your recent letter requesting my comments on H. R. 168, a bill to extend the statute of limitations with respect to certain suits.

H. R. 168 would amend section 6 of the act of April 22, 1908, as amended (45 U. S. C. 56), the Employers' Liability Act, relating to injuries in railroad employment. It would provide for the extension for 1 year from the date of enactment of the time for commencing an action "where an award under any workmen's compensation law has been held by the highest court of competent jurisdiction, to be invalid on the ground that the injuries were sustained in interstate commerce."

The purpose of the bill is to revise certain claims under the August 11, 1939 amendment to the Employers' Liability Act, which broadened the act to apply to railroad employees "any part of whose duties" in any way "directly or closely and substantially" affect interstate commerce. When the amendment was passed, a number of such employees had claims pending under various State workmen's compensation laws. These claims were subsequently held by State courts to have been extinguished by the adoption of the 1939 amendment, apparently on the ground that the employees had been brought under the protection of the Federal

statute. Presumably, the period of limitations provided by the Federal act had expired before such employees could bring their claims under it.

Thus it appears that while Congress enacted the 1939 amendment for the express benefit of certain employees, including those described above, the enactment has actually resulted in their losing all benefits under both State and Federal law. I favor enactment of H. R. 168, which is aimed at correcting the anomalous situation and at restoring claims never intended by Congress to have been extinguished.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Yours very truly,

MICHAEL J. GALVIN,  
*Acting Secretary of Labor.*

#### CHANGES IN EXISTING LAW

In compliance with clause 2a of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed (matter proposed to be stricken out enclosed in black brackets, and new matter proposed to be added shown in italics):

##### § 56. Actions; limitation; concurrent jurisdiction of courts; removal of case in State court.

No action shall be maintained under this chapter unless commenced within three years from the day the cause of action accrued.

*The time for commencing an action, where an award under any workmen's compensation law has been held, by the highest court of competent jurisdiction, to be invalid on the ground that the injuries were sustained in interstate commerce, shall be extended one year from the enactment of this amendment.*



